MEMORIAL

Chamber of Commerce

JANUARY 12, 1824.

Referred to the Committee on Commerce.

PRINTED BY GALES & SEATON.

STATEMENT of the accounts which have remained unsettled, or on which balances appear to have been due more than three years, prior to the 30th September, 1823, as appears from the books of the Second Auditor of the Treasury; furnished in pursuance of the second section of the act of Congress, passed the 3d of March, 1819, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

### CONTROL OF THE PROPERTY OF	DELINQUENCIES,	WHEN INCURRED.		
NAMES AND RANK.		Between the 4th March, 1817, and 30th Sept. 1820.	REMARKS BY THE SECOND AUDITOR.	REMARKS BY THE AGENT OF THE TREASURY.
F. L. Amelung, late captain 1st infantry Lloyd Beall, late paymaster at Harper's Ferry James H. Ballard, late captain 4th infantry R. H. Branch, late lieutenant 7th infantry Samuel Brown, late deputy quartermaster general John Byers, late contractor Charles Betts, late lieut. 7th infantry	\$ 3,030 36 	\$ 224 603 35 858 21	Reported for suit 21st November, 1820	Suit pending against his representatives. Judgment against sureties; ca. sa. issued; returned by marshal "non sunt." In service. No suit ordered. Judgment. Execution in hands of marshal. Suit progressing. Proceedings stayed till 1st January, 1824. Not reported.
Benjamin Birdsall, late major riflemen Alexander Brownlow, late captain 8th infantry Robert Brent, late paymaster general	115,598 38	827 07 100	Do. do	Do. No suit. Property sold under an order of court, and the amount reduced by the deposite of \$3,877 39 in the Office of Discount and Deposite Bank United States at Washington, to the credit of the Treasury of United States. Suit pending against sureties for penalty of bond, \$25,000.
George Boyd, late contractor for arms William P. S, Blair, late lieut. riflemen	2,109 43	2,142 62	Reported for suit 2d August, 1822 Reported for suit 14th March, 1822. The sum of \$1,924 62 of this balance arises from his not proving the correct distribution of clothing delivered to him.	Judgment September term, 1822, Michigan territory. No return since in this case. "Insolvent," marshal's return, October, 1823.
Joseph Brown, late secretary Louisiana territory	33 34		Place of residence unknown. A transfer from the books of the Third Auditor.	Not reported.
Peter Baudry, manufacturer of powder		17,500	Reported for suit 24th July, 1820; for gunpowder loaned him, 3d March, 1817.	Not within the jurisdiction of the United States. Sureties insolvent.
Oliver Bidwell, late contractor for arms	7,869	- / -	Reported for suit 3d November, 1820. Advanced by the late purveyor of public supplies.	Judgment in favor of defendant; costs taxed against the United States.
James Jehu and Nathaniel Brook, do.	4,000	4.1.	Reported for suit 3d November, 1820. Advanced by the late purveyor of public supplies.	Proceedings stayed till the close of the present session of Congress.
J. J. Clinch, late captain 7th infantry Adam Carrouth, late contractor for arms Tench Coxe, late purveyor of public supplies	2,406 25	50 02 12,028 45	Reported for suit 12th May, 1823 Balance not acknowledged by him.	Balance reduced to \$50 02. Suit progressing for its recovery. Suit continued September term, 1823.
Henry M. Campbell, late lieutenant artillery William Christy, late paymaster 1st infantry John Conrad, late paymaster Pennsylvania militia	60 9,000 75		Reported for suit 20th May, 1822	"Insolvent," attorney's return for October session, 1822. Suit pending. Writ served. Party represented to be "very poor."
William Cornell, of New York Thomas W. Denton, late lieut. artillery R. W. Ewing, late lieut. 1st infantry	392 05	824	Has claims against the Government. Reported for suit 15th August, 1820 Do. do.	Judgment, May term, 1822. Insolvent. Marshal's return for July, 1823, "cepi corpus." Judgment, May term, 1822. Insolvent.
John Ellison, late lieut. 6th infantry Farley Eddy, late lieutenant 8th infantry R. M. Forsyth, late lieut. artillery	550	33 250	Dead. Representatives unknown. Dismissed. Place of residence unknown. Reported for suit 3d January, 1819 Dead and insolvent.	Cannot be found.
F. S. Gray, late lieutenant 7th infantry George W. Gardner, late lieut. artillery Stoughton Gantt, late paymaster riflemen		698 40 151 40 11,268 40	Reported for suit 19th May, 1821 Reported for suit 24th August, 1819; arising out of advances from 1816 to 1818.	Judgment, October term, 1821. Dead; insolvent. Proceedings against the sureties suspended till close of present session of Congress.

	DELINQUENCIES, WHEN INCURRED.		
NAMES AND RANK.	Between the 4th March, 1809, and 3d March, 1817.	Between the 4th March, 1817, and 30th Sept. 1820.	REMARKS BY THE SECOND AUDITOR.
Edward S. Gantt, late lieutenant	\$ 313 42	-	Reported for suit 1st July, 1818
John Gates, jun. late paymaster light artillery		\$ 26,234 32	Reported for suit 1st February, 1818; arising out of advances made him from 1816 to December, 1817.
Cornelius Gates, late lieut. 8th infantry		111 51	Reported for suit 15th August, 1820
Peter W. Grayson, late lieut. 3d infantry		300	Do. 8th June, 1820
William Gibbs, late paymaster 1st infantry -	14,480 23	-	Do. 7th February, 1821
John Hall, late paymaster riflemen		28,219 88	Do. 9th August, 1820
John B. Hogan, late paymaster		35,791 12	Do. 14th May, 1821
William D. Hopkins, late lieut. 7th infantry	-	261 26	Do. 23d May, 1820
Evans Humphreys, late lieut. artillery	-	3,108 34	Do. 14th March, 1822
James Hackley, late captain 3d infantry		53	Do. 14th July, 1821
William S. Hamilton, late lieutenant colonel -	814 94	-	Do. 20th April, 1822
John W. Holding, late captain 5th infantry -	68 57	-	He claims a balance.
Joseph Hutchinson, late contractor	1,375 23	and street of	Reported for suit 20th May, 1817
William W. Hazard, late hospital surgeon's mate	85 88		Do. 29th April, 1822
Robert C. Jennings, late deputy commissary -		8 06	Insolvent.
Titus T. Jamieson, late lieut. 8th infantry		64	Dismissed. Place of residence unknown.
Peter S. January, late lieut. 8th infantry		123 94	Reported for suit, 8th February, 1821
John Jamieson, late Indian agent	-	2,053 49	Do. 28th June, 1823
John M. Johnson	B -	936	Reported for suit 28th June, 1823. Public moneys found in the possession of the late paymaster Leroy Opie, at the time he was killed.
Simeon Knight, late quartermaster general -	17,618 13		Reported for suit 19th March, 1822
Simeon Knight, late battalion paymaster		15,611 76	Do. 20th March, 1822
Peter Lequeux, late A. D. quartermaster general	18,007 09		Reported for suit 9th June, 1823. Public property received by him, and not accounted for.
Richard Bland Lee, late commissioner of claims -	500		Reported for suit 1st May, 1820. Advanced for the contingencies of his office.
William M. Littlejohn, late contractor		1,406 52	Reported for suit 25th May, 1819
James Livingston, late lieut. ordnance	-	368	Do. 4th February, 1820
Francis Le Barron, late apothecary general -	-	13,803 92	Do. 9th March, 1821
William Lavall, late major artillery	-	881 20	He promises to pay on the 31st December, 1823.
William D. Lawrence, late battalion paymaster -	130 56		Reported for suit 6th March, 1822
J. P. Livingston, late brevet captain	-	1,748 48	Reported for suit 8th March, 1822; arising from not accounting for property of clothing delivered him for distribution.
James W. Lent, late assistant dep. quartermaster gen.	5,962 99		Reported for suit 20th May, 1823
John J. H. Lewis, late lieut. riflemen	-	149 98	Resigned. Place of residence unknown.
George W. Murray, New York	11,279 12		Reported for suit 15th July, 1820. Public lead loaned him
Elijah Montgomery, late captain 7th infantry -		43 40	Do. 20th June, 1822
Jesse M'Ilvain, late lieut. artillery		95 81	Do. 23d June, 1821

REMARKS BY THE AGENT OF THE TREASURY.

Cannot be found.

Proceedings against sureties suspended till the close of the present session of Congress. Principal insolvent, and released from prison by the President of the United States.

Capias issued. Returned "non est inventus."

Judgment; fi. fa. issued. "No goods, chattels, lands, or tenements, on which to levy."
Suit ordered 23d July, 1821. No return from District Attorney.
Hall is insolvent, and cannot be found. Suit was ordered against his sureties in the Dis-

trict of Columbia, for penalty of bond, \$20,000, and verdict given for defendants, October term, 1822. An appeal is taken.

Proceedings stayed till close of present session of Congress.

Not found.

Judgment. Execution returned " nulla bona."

Judgment, September term, 1823, for \$59 61.

No return.

In this case there was a judgment, which was ordered to be opened, to let in an equitable defence, August, 1822. No return from District Attorney since that time. Cannot be found

Several writs issued, and returned "non est inventus." Suit ordered 10th July, 1823. No return. Insolvent. No suit instituted.

Judgment. Defendant insolvent. No bond. Principal insolvent. Suit pending against his sureties. Suit ordered 9th June, 1823. No returns.

Suit pending.

"Non est inventus;" marshal's return for May, 1823. Judgment Nov. 1820. Execution returned "nulla bona."

Proceedings stayed on a supposition that there would be a balance due him on a subsequent contract sufficient to cover this amount.

Suit progressing.

Suit continued, October, 1823.

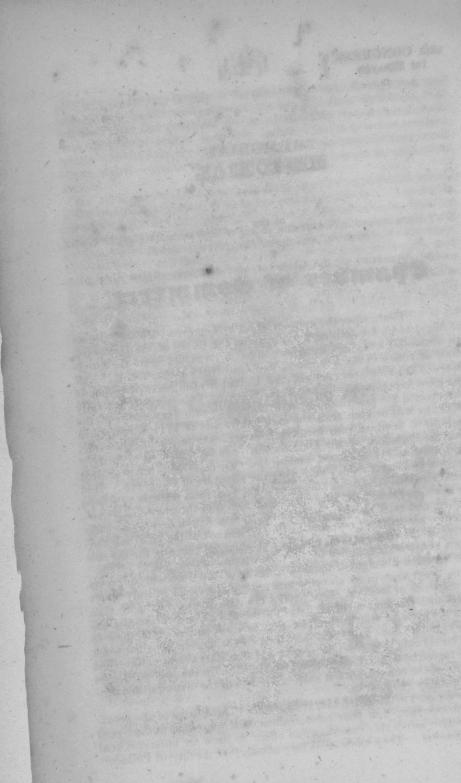
Suit progressing. Continued June term, 1823. Proceedings stayed for one year from 15th January, 1822.

	DELINQUENCIES, WHEN INCURRED.			
NAMES AND RANK.	March, 1809, and	Between the 4th March, 1817, and Soth Sept. 1820,	REMARKS BY THE SECOND AUDITOR.	REMARKS BY THE AGENT OF THE TREASURY.
Thomas L. M.Kenney, late Sup't Indian Affairs -		11,492 94	This balance, it is believed, will be extinguished by the adjustment of his accounts in the Fifth Auditor's office, where the business of the Indian trade fund is passing to its final adjust-	
John M'Kinney, late deputy commissary Thomas G. Murray, late captain artillery James R. Mullany, late col. and quartermaster general Thomas Martin, late military storekeeper		934 20 252 7,824 28 273 62	ment. Reported for suit 12th July, 1823 Dead. Representatives unknown. He claims a balance, and has petitioned Congress for relief. Dead.	Proceedings stayed for one and two years from the 10th February, 1823.
Joseph J. Miles, late captain John H. Mallory, late paymaster 7th infantry		21 2,755 24	Dead. Representatives unknown. Reported for suit 4th February, 1820; arising out of advances made him from February to August, 1817.	Judgment, June term, 1823.
Wm. M'Donald, late assist. inspector general C. M'Leod, late lieut. 3d infantry James Neily, late Indian agent	1,098 63	1,853 40 75	Reported for suit 25th October, 1820 Place of residence unknown. Dead. Representatives unknown. Transferred from books of	Judgment and execution. Defendant insolvent.
Adrian Neil, late captain artillery Cary Nicholas, late battalion paymaster Le Roy Opie, late battalion paymaster James Pratt, late captain 5th infantry James Palmer, late lieut. 2d infantry	182 88	45,125 27 514 29 23 97 63	Register of Treasury. Dead and insolvent. Reported for suit 18th May, 1821	Process not yet served. Suit against sureties progressing for balance.
Thomas Posey, late Governor and sup't Indian affairs H. Peake and W. H. Hampton, late contractors Wm. H. Puthuff, late Indian agent Joseph J. Prince, late lieutenant artillery David Riddle, late brevet major 8th infantry David Perry, late captain 5th infantry J. Parkhurst, late lieutenant artillery James T. B. Romayne, late captain artillery	52 06 1,135 98 17,455 50	132 25 354 99 586 50 6 40 375	Dead. His son has promised to refund this sum. Transferred from books of the Register of the Treasury. Reported for suit 1st November, 1819 Do. 10th Nov. 1821. No accounts ever rendered. Do. 10th March, 1821. Dead and insolvent. Reported for suit 12th January, 1822. Dead. Representatives unknown. Dead and insolvent.	Suit progressing. Continued to September term, 1823. No return since. Judgment obtained September, 1821.
Thomas S. Rogers, late assist. dep. quartermaster gen. Jos. H. Rees, late captain ordnance E. W. Ripley, late major general		1,921 89 6,259 98 13,163 10	Dead. Reported for suit 28th April, 1821 Dead and insolvent. Reported for suit 10th April, 1821	Suit ordered 10th May, 1821. Continued April term, 1822. Suit ordered 10th May, 1822, in New Orleans. Judgment expected October term, 1822.
S. F. Spencer, late lieut. riflemen Benj. Stephenson, late Indian agent Henry Sherburne, late Indian agent J. Sevier and W. Barnett, late Indian commissioners John Sibley, late Indian agent	2,000 584 03	117 55 506 14 276 42	Do. 17th May, 1822 Do. 28th June, 1823 Do. 25th June, 1823 Col. Barnett promises to settle. Transferred from books of the Third Auditor. He has claims to a larger amount.	No return from District Attorney since. Process not executed Spring session, 1823. Suit ordered 7th July, 1823. Suit continued, October term, 1823.
Robert J. Scott, late lieutenant artillery William Sumpter, late captain 1st infantry Francis Smith, late lieut. riflemen G. D. Smith, late brevet major 6th infantry Joseph Shomo, late lieutenant 4th infantry		324 742 08 427 85 173 37 290 07	Beported for suit 13th December, 1819 Do. 15th August, 1820 Do. 8th June, 1820 Do. 3d May, 1820 Do. 2d January, 1821	Suit pending, October term, 1822. No return since. Writ issued. No return. Insolvent. Debt lost. Discharged from imprisonment by Government. The deputy marshal of West Florida (who is since dead) recovered the amount of this debt, which has not been deposited to the credit of Treasurer of the United States.

	DELINQUENCIES, WHEN INCURRED			
NAMES AND RANK.	Between the 4th March, 1809, and 3d March, 1817.	Between the 4th March, 1817, and 30th Sept. 1820.	REMARKS BY THE SECOND AUDITOR.	REMARKS BY THE AGENT OF THE TREASURY.
Moses Swett, late captain artillery Thomas Tupper, late assist. dep. quartermaster gen. John Tarrant, late lieutenant 1st infantry Edwin Tyler, late captain ordnance James Thomas, late contractor Peter Townsend, late contractor for cannon Ward and Johnson, late contractors Lewis B. Willis, late captain 8th infantry W. Whatley, late captain 8th infantry John Wood, late lieut. 2d infantry Wheeler and Morrison, late contractors for arms White Young, late brevet major Hugh Young, late assistant topographical engineers	\$4 2,442 95 	\$ 600 44 143 40 	Dead. Representatives unknown. He has claims for interest paid the Utica Insurance Company. Reported for suit 19th March, 1822	Suit ordered 22d March, 1822. No return. Suit continued August session, 1823. Judgment, fi. fa. issued. No information since from District Attorney in respect to this case. Verdict for defendants. The District Attorney has been instructed to carry the case to the Supreme Court. Same remark as the last. Suit progressing. Not found. Verdict taken, subject to the opinion of the court, February term, 1822. Judgment. Execution issued against the sureties. Proceedings stayed till 1st March, 1824. Dead and insolvent.
	\$ 307,996 35	\$ 339,466 20		

TREASURY DEPARTMENT, Second Auditor's Office, 5th January, 1824.

WM. LEE.



[27]

MEMORIAL.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled,

The Memorial of the Chamber of Commerce of the City of Philadelphia,

RESPECTFULLY SHEWETH:

That, since the appropriation by Congress, on the 7th day of May, 1822, for making a harbor near the Capes of the Delaware, an accurate survey and examination has been made, under the immediate direction of the Treasury, War, and Navy Departments, by officers of the Engineer corps of the United States, assisted by one of the most experienced officers of the Navy. This survey has fully ascertained the practicability and the great public importance of the work, as will be seen from the excellent report of those employed in making it, to which your memorialists beg leave respectfully to refer. And the President of the United States has been pleased to notice it favorably in his message, among the subjects which his provident wisdom has suggested as deserving the attention of Congress. with increased confidence, therefore, that your memorialists now hope for the approbation by your honorable bodies of the projected undertaking, and such an appropriation for its completion as may be sufficient to construct a great and lasting monument of the paternal character of the Government, and its well-directed concern for the momentous interests confided by the constitution to its care.

With such a weight of opinion in favor of the proposed improvement, from sources so elevated and national as to be entirely above the influence of local or other partial motives, it would be more than superfluous for your memorialists to press upon the attention of Congress the considerations which have occasioned, and seem to them to justify, the anxious solicitude they feel. In whatever light the work may be viewed, they are fully persuaded that liberal and enlightened men, throughout the Union, must regard it as in the highest degree worthy of the countenance it has received from the distinguished citi-

zens already referred to.

To the port of Philadelphia, it cannot be denied to be of the greatest consequence, and your memorialists will not affect to disregard the motive which this consideration offers to them for animated zeal and exertion. They know, and they admit, that the city of Philadel-

phia will participate largely in the advantages to be derived from any improvement in the navigation of the bay and river Delaware, that her prosperity and greatness will be advanced by it, and that she will have additional reason to rejoice in her relation to a Government which, while it scarcely exacts any thing but the tranquil enjoyment of our rights, extends to her effectually the blessings of protection and aid.

But these advantages are such, that the city of Philadelphia cannot, if she would, appropriate them to her own exclusive use. The whole country which lies in the neighborhood of the Delaware, from its mouth at the Ocean to the head of the tide, a distance of more than one hundred and thirty miles, including a large portion of the State of New Jersey, and nearly the whole of the State of Delaware, will be directly and immediately benefitted, as well as that part of the State of Pennsylvania which lies along the river, below the falls, for forty or fifty miles of its length. And even above the tide, to the very head of that noble river in the state of New-York, and of every tributary stream whose waters seek the Ocean by its channel, the

quickening impulse will be beneficially and promptly felt.

Neither is it to be doubted that the Treasury of the United States will be a very great gainer. The increase of trade must be attended with a corresponding increase of duties; and it is little more than a truism to say, that every removal of an impediment, every precaution against danger, in short, whatever enlarges the facilities, and lessens the risks and expenses of commercial intercourse, will, of course, produce an enlargement of trade and commerce. And when it is considered that, owing to the peculiar difficulties now sought to be surmounted, valuable vessels and cargoes are sometimes wholly lost; that, at other times, they are obliged to remain in foreign ports, where the fruits of industry, which ought to be invested in returns of wealth, are consumed by charges for the benefit of foreigners; or are compelled to continue upon the ocean, where, besides the additional expense, they are exposed to prolonged and multiplied hazards; it is within the bounds of a reasonable calculation, to believe, that, by the direct results of counteracting these oppressive discouragements, the Treasury will, in the course of a very short period, be re-imbursed for what may be thus expended.

In estimating, however, the advantages to be derived from the appropriation which Congress are asked for, the considerations already presented, important as they confessedly are, are yet of far less value than those which remain to be stated. From the documents referred to, it will appear, that, from the capes of Virginia to the entrance of the harbor of New York, there is not a single place of refuge, to which a vessel can resort for shelter, in moments of peril and danger. The intervening space, comprehending a line of nearly three hundred miles, lying along the very centre of the Union, and the most frequented of any part of our coast by vessels navigating from port to port of the United States, presents to the distressed and harassed navigator nothing to comfort or relieve him. He dare not

[27] 5

approach the land, and if, by the power of causes beyond his control. he is driven too near, the shock which follows most commonly confounds his hopes, overwhelms his adventure, and, not unfrequently, consigns to one unhappy fate the vessel, the cargo, and the lives of all on board. The southernmost coast of New Jersey, particularly, has thus become the frequent scene of calamitous wreck and destruction. When it is considered how rapidly the coasting trade of the United States is destined, with suitable encouragement, to increase, and when that interesting trade is viewed in all its relations to the welfare and prosperity of the Union; the mind of the statesman must at once perceive how worthy it is of the national care and concern, and how richly it will repay whatever may be expended in deepening and widening its channels, and in removing obstructions which embarrass and impede its extension. Such a work as that proposed, is, in the strictest sense, a great public improvement. It brings nearer to each other the different sections of the country; it invites them to the peaceful and familiar intercourse of mutual benefit: and tends to strengthen the bonds of union, by manifesting habitually, and in the most grateful form, the necessary connexion and dependence of the parts. The most remote regions of the United States will share in these advantages. Nor can your memorialists for a moment suppose, that Congress will lightly estimate the advantages to be derived from always carrying on a considerable portion of this intercourse by the great highway which Providence has opened for the enterprise of man. The civic virtues may flourish every where; but it is emphatically upon the ocean, that industry and skill are always nursed, in company with hardy valor. The arm that is stretched forth in peace to gather the fruits of trade, is nerved and invigorated for the defence of the nation; and when the day of trial comes, the heart and the hand that have been exercised in contending with the elements in their fury, are found trained and prepared to carry the flag of their country in triumph, through the rage and tumult of battle. The gallant seaman requires no noviciate of warlike service, but is ready at once to grapple with the veteran enemy; and, conscious of his rights, as well as of his strength, in the very first combat, to snatch the laurel from the brow where years of victory had seemed to fix it.

If it should be objected, that the expense will be great, your memorialists would respectfully answer, that the work will be durable. It has this peculiar recommendation, too, that, once completed, it requires no further or future expense for its support and preservation. Its total cost can be accurately estimated, because the whole terminates in the single expenditure of construction. It will require neither nourishment nor care, but, alone, and unaided, like a rock in the ocean, will set storms and tempests at defiance, and, unhart, will

turn back the billows that dash against its sides.

Your memorialists might also urge, that the expenditure, though large, is not for a doubtful object, nor one upon which there can even be a difference of opinion. A safe and effectual refuge, at times of

extraordinary peril. from the dangers of an intricate and difficult navigation—a secure retreat for the exhausted navigator from an unequal conflict with a threatening coast, where he may rest and refresh himself for new exertions—a harbor where the drifting ice of winter cannot harm him, and where he may may wait the opportunity for escaping its mischief—a station, in a word, on the margin of the great sea, where he may spend in security those occasional periods. when, to go forward or to return, seems equally to lead to destruction, must be admitted by all to be an unmixed good. The triumph to be achieved is one of those prizes which nature offers to human industry and skill, and which bring with them a great and a pure reward. It is not an idle and unmeaning accumulation of ponderous materials. nut together only to attest the existence of power, and to produce nothing but barren admiration and surprise. The genius of man is here employed in the service of humanity, and a small portion of the profits of trade are devoted to relieve trade itself from some of its most dangerous attendants. As long as the work shall stand, it will proclaim the beneficent views which led to its construction. And if the despotic power which reigned in France sought to perpetuate its glory by the works at Cherbourg, and the monarchy of England has been able to fix a monument of its wisdom in the sea at Plymouth. your memorialists would fain hope, that our Republican institutions might shew forth their practical excellence, by rivalling these peaceful and blameless enterprises of ambition. They beg leave, also, respectfully, to say, that they would delight to see the work begun under the Presidency of the distinguished citizen who fills the Executive Chair with such universal approbation, in order that its construction may be graced with the name and venerable authority of a founder of the Republic, and the seal of his latest services to the country be placed on the same river whose shores witnessed his earliest achievements in her cause, as well as his first appearance in her councils.

Your memorialists purposely abstain from insisting upon the advantages to be derived from the projected work in time of war, great and weighty as they are, because they are already so fully and ably presented in the report, by those who are better qualified than your memorialists to appreciate them; and will, no doubt, receive that deliberate consideration from Congress to which they are entitled. Referring, therefore, for other and equally interesting views of this important subject, to that report, and omitting to trouble your Honorable bodies with details which the other papers will present, they respectfully pray, that Congress will authorize the erection of a breakwater at the mouth of the Delaware, and make the needful appropriation for executing the work. And they will pray, &c.

President of the Philadelphia Chamber of Commerce.

JN. VAUGHAN, Secretary.

The latest the second s A CONTRACTOR OF THE CONTRACTOR The first water than the first the f Special contract to the second The state of the s The same of the sa a state of the same The state of the s

